

FCC MAIL ROOM

Before the
Federal Communications Commission
Washington, D.C. 20554

Nov 22 6 15 PM '04

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations.
(Waitsburg, Washington)

MB Docket No. 04-168
RM-10832

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 17, 2004

Released: November 22, 2004

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division considers herein the *Notice of Proposed Rule Making* ("Notice")¹, issued at the request of Waitsburg Broadcasting Company ("Petitioner"). Petitioner proposes the allotment of Channel 272A at Waitsburg, Washington, as its first local aural transmission service. Petitioner filed comments reiterating an intention to apply for Channel 272A if allotted to Waitsburg, as requested. No counterproposals or additional comments were received in response to this proceeding.

2. In view of the interest expressed in providing a first local aural transmission service to Waitsburg, we will allot Channel 272A to Waitsburg, as requested. As stated in the *Notice*, Waitsburg is an incorporated community listed in the 2000 U.S. Census with a population of 1,212 persons. Waitsburg has an elected government, city hall and police station, a public school system and numerous shops, stores and restaurants to serve the community. Channel 272A can be allotted to Waitsburg, consistent with the minimum distance separation requirements of the Commission's Rules with a site restriction 12.3 kilometers (7.6 miles) east of the community at coordinates 46-17-41 NL and 117-59-47 WL. Although concurrence has been requested for Channel 272A at Waitsburg, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Canadian government, the construction permit will include the following condition: "Operation with the facilities specified for Waitsburg herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the U.S.-Canadian FM Broadcast Agreement."

3. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

4. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective January 6, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the community listed below, to read as follows:

¹ See *Waitsburg, Washington*, 19 FCC Rcd 8087 (MB 2004).

CommunityChannel No.

Waitsburg, Washington

272A

4. The window period for filing applications for Channel 272A at Waitsburg, Washington will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau